

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To
Revise Commission General Order
Numbers 95 and 128.

Rulemaking 01-10-001

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING JOINT PETITION FOR MODIFICATION OF RULEMAKING**

Summary

This ruling denies the Joint Petition for Modification (Joint Petition) by Pacific Gas and Electric Company, Southern California Edison, and San Diego Gas & Electric Company, requesting workshops to address Rule Changes to General Orders (GOs) 95 and 128 on the ground that the Petition is premature.

Background

On October 5, 2001, The Commission issued Order Initiating Rulemaking (OIR) 01-10-001 to strengthen GOs 95 and 128—two General Orders that are critical to the Commission's role of overseeing the safe operation of electric utilities' facilities. The OIR stated that the proceeding contemplated by the Commission does not "necessitate public hearings or workshops" but would consider rule change proposals advanced by the utilities and other parties. The OIR set forth 13 rule changes proposed by staff and invited parties to file written comments to the staff's proposals and to recommend alternative rule changes.

Discussion

While the OIR did not establish that workshops would be scheduled, the Commission is free to schedule workshops—if upon review of the filed comments it appears that workshops would produce a better end product in the form of the rule changes. In addition, while the OIR did not schedule a Prehearing Conference (PHC), after review of the comments and replies, the Commission may determine that a PHC would be helpful—and if so, one will be scheduled. The Commission may also discover that further public hearing is necessary for the development of a rulemaking record regarding the proposed changes to GOs 95 and 128. None of these potential steps in the proceeding is foreclosed by the OIR as currently issued.

The Joint Petition filed pursuant to Rule 47 of the Commission's Rules of Practice and Procedure¹ asks the Commission to change the initial structure of the OIR from requesting comments from the interested parties and stakeholders on the staff proposed changes to GOs 95 and 128, to beginning with workshops, followed by a workshop report, then comments to the report. As discussed above, it is premature to formally modify the OIR at this early point in the proceeding, especially since the OIR as currently drafted allows the parties to suggest that workshops be held at any time in the proceeding.

Therefore, the Petition to Modify the OIR is denied. However, the denial of the Petition does not prejudice the right of any party to suggest, at any point in the proceeding, that workshops might be appropriate.

¹ Unless otherwise indicated, all references to rules refers to the California Public Utilities Commission's Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

IT IS RULED that the Joint Petition for Modification filed by Pacific Gas and Electric Company, Southern California Edison, and San Diego Gas & Electric Company, is denied without prejudice.

Dated November 28, 2001, at San Francisco, California.

/s/ CAROL BROWN
Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Joint Petition for Modification of Rulemaking on all parties of record in this proceeding or their attorneys of record.

Dated November 28, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH

Jacqueline Gorzuch

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.